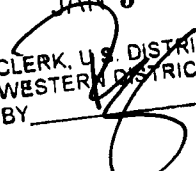


**FILED**

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

JAN 3 - 2022  
 CLERK, U.S. DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 BY  DEPUTY

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 5:21CV844-XR (Lead Case)
	)	
STATE OF TEXAS, <i>et al.</i> ,	)	No. 5:21CV1085-XR (Consolidated Case)
	)	
Defendants.	)	

**MISSOURI SECRETARY OF STATE JOHN R. ASHCROFT'S MOTION FOR LEAVE  
 TO FILE AMICUS BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Amicus Curiae Missouri Secretary of State John R. Ashcroft asks this Court to grant him leave to file an amicus brief in this case, by December 31, 2021, in support of the State of Texas' and Texas Secretary of State John Scott's motion to dismiss the United States' amended complaint, ECF No. 145. Secretary Ashcroft has communicated with counsel for the United States and counsel for the State of Texas regarding this motion. Counsel for Defendants State of Texas and Texas Secretary of State John Scott responded that Defendants have no objection to this motion and no objection to Secretary Ashcroft's request to file his amicus brief by December 31. Counsel for the United States responded that the United States takes no position on either this motion or Secretary Ashcroft's request to file his amicus brief by December 31.

Missouri Secretary of State John R. Ashcroft's amicus brief will aid and assist this Court in adjudicating this case. John R. Ashcroft was elected as Missouri's 40th Secretary of State in November 2016 and reelected in November 2020. Secretary Ashcroft is Missouri's "chief state election official," supervises an Elections Division of his office, including an Election Integrity Unit, and is authorized to receive and investigate election-related complaints under the Help America Vote Act and complaints of violations of Missouri's election law. Mo. Rev. Stat.

§28.035. Like Texas, Missouri's election statutes have undergone recent reform, resulting in changes to election administration in Missouri. In 2016, the citizens of Missouri amended the state constitution to enable the legislature to require that voters produce identification, including "government-issued photo identification," in order to cast a ballot. See Mo. Const. Art. VIII §11; Mo. Rev. Stat. §115.427. Missouri's voter identification statute was challenged, and Secretary Ashcroft defended the law as enacted. See *Priorities USA v. State of Missouri*, 591 S.W.3d 448 (Mo. 2020). Thus, Secretary Ashcroft has particular experience and expertise that would be helpful to this Court in enforcing state voter integrity reform legislation.

Secretary Ashcroft has additional specialized expertise in election administration. Secretary Ashcroft is a licensed attorney and also holds degrees in engineering management, has taught college engineering and technology courses, and has earned multiple certifications in citizen privacy and data protection from the International Association of Privacy Professionals. Prior to supervising Missouri elections as Secretary of State for the past five years, Secretary Ashcroft practiced law, counseling clients on legal issues ranging from regulatory compliance to patent prosecution and election law. Secretary Ashcroft's background in education, engineering, data protection, and the law has provided him a unique and professional perspective on election administration and security. Secretary Ashcroft is also an active member of the National Association of Secretaries of State (NASS). In 2021, Secretary Ashcroft served as the chairman of the NASS Elections Committee and was a member of the NASS Government Coordinating Council. He is currently one of two Missouri members serving on the Election Assistance Commission Standards Board. Secretary Ashcroft spearheaded the first National Election Security Summit, held in St. Louis, where he coordinated a program that included national election security experts, local experts from all over the country, and a keynote address from Kirstjen Nielsen,

former U.S. Secretary of Homeland Security. Election officials from twenty-five states and a bipartisan group of ten secretaries of state attended the event.

Secretary Ashcroft's amicus brief will aid the Court in adjudicating the State of Texas' and Secretary of State John Scott's pending motion to dismiss the United States' amended complaint. Secretary Ashcroft's amicus brief will bring needed perspective and complement – not duplicate – the briefs of the parties and any other amicus brief. This Court has allowed briefs to be filed in *La Union del Pueblo Entero, et al. v. Abbott, et al.*, No. 5:21CV844, and the other consolidated cases. See ECF Nos. 121, 122, and Order of November 16. Secretary Ashcroft seeks to assist this Court specifically regarding the United States' claims against the State of Texas' election integrity reforms. This Court has broad discretion in permitting the filing of amicus briefs that will assist the Court in specialized areas of law, such as election administration and voting rights. See *Lefebure v. D'Aquila*, 15 F.4th 670, 675 (5th Cir. 2021) (“courts should welcome amicus briefs for one simple reason: ‘[I]t is for the honour of a court of justice to avoid error in their judgments.’ ... Then-Judge Alito put it this way: ‘[A]n amicus who makes a strong but responsible presentation in support of a party can truly serve as the court's friend.’”) (quoting *The Protector v. Geering*, 145 Eng. Rep. 394 (K.B. 1686), and *Neonatology Associates v. Commissioner of Internal Revenue*, 293 F.3d 128, 131 (3rd Cir. 2002)); *Halo Wireless, Inc. v. Alenco Commons, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012) (“[a]n amicus brief should normally be allowed...when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.”) (quoting *Ryan v. CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997)). Secretary Ashcroft's unique and professional experience, expertise, and perspective will assist this Court in adjudicating this case.

Finally, filing an amicus brief by December 31 will not prejudice either party's ability to fully respond to the United States' amended complaint or the State of Texas' motion to dismiss the amended complaint. On December 14, the State of Texas filed an unopposed motion asking this Court to extend its deadline to file an answer to the amended complaint by January 5, 2022. See ECF No. 144. On December 17, the United States filed an unopposed motion asking this Court to extend its deadline for the government to file its response to Texas' motion to dismiss until January 18, 2022. See ECF No. 158. The Court granted both motions. See ECF No. 158 and Order of December 20. Accordingly, the United States will have over two weeks to review Secretary Ashcroft's amicus brief prior to filing its response to Texas' motion to dismiss.

WHEREFORE, Missouri Secretary of State John R. Ashcroft asks this Court to grant him leave to file an amicus brief in this case by December 31, 2021.

Respectfully submitted,

/s/ Mark F. (Thor) Hearne, II  
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*Amicus Curiae*

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was sent on December 21, 2021, via Federal Express next day delivery to the following:

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